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THOMAS E. FRANKOVICH (State Bar No. 074414)
    THOMAS E. FRANKOVICH,
    A Professional Law Corporation
    4328 Redwood Hwy., Suite 300
 3
    San Rafael, CA 94903
    Telephone:
                 415/674-8600
 4
    Facsimile:
                 415/674-9900
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    Attorney for Plaintiffs
    DAREN HEATHERLY; and
 6
    IRMA RAMIREZ
 7
                              UNITED STATES DISTRICT COURT
 8
                           NORTHERN DISTRICT OF CALIFORNIA
 9
10
    DAREN HEATHERLY; and IRMA
                                               CASE NO. CV-13-01132-NC
    RAMIREZ,
11
                                               MOTION FOR ADMINISTRATIVE RELIEF -
           Plaintiffs,
                                               REQUEST FOR CASE MANAGEMENT
12
                                               CONFERENCE; MEMORANDUM OF
                                               POINTS and AUTHORITIES; and
13
    v.
                                               FPROPOSED ORDER SETTING CASE
                                               MANAGEMENT CONFERENCE THEREON
14
    BISTRO 29; LARRY W. WILLIAMS and
                                               [L.R. 7-11; Gen. Order 56]
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    CAROLYN A. WILLIAMS, as Trustee of
    THE LARRY W. WILLIAMS and
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    CAROLYN A. WILLIAMS TRUST under
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    Declaration of Trust dated June 20, 2002;
                                               Complaint filed: March 13, 2013
    and DEPARTMENT 29, INC., a California
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    Corporation,
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           Defendants.
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           Plaintiffs Daren Heatherly and Irma Ramirez, pursuant to Local Rule 7-11 and General
    Order 56, hereby move this Court for Administrative Relief, and request the Court to set a Case
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    Management Conference.
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           The case before this Court seeks, in part, relief pursuant to Title III of the Americans with
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    Disabilities Act ("ADA"), and pursuant to California statutes of Civil Code §51, et seq. and §54,
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27
    et seq., and California Health & Safety Code §19955 et seq., relief and damages.
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    ///
    MOTION FOR ADMINISTRATIVE RELIEF - REQUEST FOR CASE MANAGEMENT CONFERENCE; MEMORANDUM OF POINTS and
    AUTHORITIES: and (PROPOSED) ORDER SETTING CASE MANAGEMENT CONFERENCE THEREON CASE NO. CV-13-01132-NC 1
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1	Accordingly, litigation of this case is controlled by the procedures established in General Order	
2	No. 56. These procedures impose a stay on all discovery until after a mediation has been	
3	completed and a case management conference has taken place.	
4	General Order No. 56 provides for plaintiffs to file a motion to request a Case	
5	Management Conference once a mediation has been completed. On May 15, 2014, plaintiffs	
6	DAREN HEATHERLY and IRMA RAMIREZ, and defendants BISTRO 29 and	
7	DEPARTMENT 29, INC., a California Corporation ("operators") had a mediation with	
8	Mediator, Joel Franciosa. The mediation was not successful. Therefore, plaintiffs respectfully	
9	request that this matter be set for a Case Management Conference.	
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11		Respectfully Submitted,
12	D . 1.14 . 20 . 2014	
13		THOMAS E. FRANKOVICH,  A PROFESSIONAL LAW CORPORATION
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15 16		By: /s/Thomas E. Frankovich
17		Thomas E. Frankovich
18		Attorney for Plaintiffs DAREN HEATHERLY and IRMA RAMIREZ
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<ul><li>26</li><li>27</li></ul>	///	
28	///	

MOTION FOR ADMINISTRATIVE RELIEF - REQUEST FOR CASE MANAGEMENT CONFERENCE; MEMORANDUM OF POINTS and AUTHORITIES; and [PROPOSED] ORDER SETTING CASE MANAGEMENT CONFERENCE THEREON CASE NO. CV-13-01132-NC  $\ 2$ 

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# MEMORANDUM OF POINTS AND AUTHORITIES GENERAL ORDER 56:

General Order No. 56 provides for plaintiffs to file a motion to request a Case Management Conference once a mediation has been completed.

¶8 "If the case does not resolve at mediation within seven (7) days of the mediator's filing of a Certification of ADR Sessions reporting that the mediation process is concluded, plaintiff shall file a Motion for Administrative Relief pursuant to Civil Local Rule 7-11 requesting a Case Management Conference."

Dated: May 29, 2014

May 29

, 2014

THOMAS E. FRANKOVICH,

#### A PROFESSIONAL LAW CORPORATION

By: /s/Thomas E. Frankovich

Thomas E. Frankovich

Attorney for Plaintiffs DAREN HEATHERLY and IRMA

RAMIREZ\_\_\_

### [PROPOSED] ORDER

**IT IS HEREBY ORDERED**, that this Court will set this case for a Case Management Conference for June 18, 2014 at 10:00 a.m. A joint case management statement is due June 11, 2014.

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Dated:

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ASE MADAGE Judge Nathanael M. Cousins
ANAGENERIT ONFERENCE THEREON CASE NO CO

MOTION FOR ADMINISTRATIVE RELIEF - REQUEST FOR CASE MANAGE Judge Nathania (MEMORANDU) SEPOINTS and AUTHORITIES; and [PROPOSED] ORDER SETTING CASE MANAGENERY CONFERENCE THEREON CASE NO (CV) 8-01132-NC 3